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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,214	01/14/2002	Jeffrey Edward Friend		4413

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EXAMINER

FRENEL, VANEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,214	FRIEND, JEFFREY EDWARD	
	Examiner	Art Unit	
	Vanel Frenel	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Application filed on 01/14/02. Claims 1-5 and 13, renumbered as 1-6 are pending.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-5 and 13 have been renumbered to claims 1-6 for examining purposes. Therefore, Applicant's is required to give a thorough explanation in the next correspondence regarding the dependency of these claims. Appropriate correction is needed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto (2002/0120475) in view of King et al (5,704,045).

(A) As per claim 1, Morimoto discloses a method of calculating a premium for a package return insurance policy, comprising:

receiving from a user a policy requirement for the package return insurance policy (See Morimoto, Page 6, Paragraphs 0062-0065);

accessing data corresponding to a specified item purchase associated with the package return insurance policy (See Morimoto, Page 7, Paragraph 0068; Page 8, Paragraphs 0073-0074).

Morimoto does not explicitly disclose that the method having determining the premium based on the policy requirement and the accessed data.

However, this feature is known in the art, as evidenced by King. In particular, King suggests that the method having determining the premium based on the policy requirement and the accessed data (See King, Col.9, lines 39-67 to Col.10, line 18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of King within the system of Morimoto with the motivation of providing highest assurance of timely payment and permits profits and losses of specific risks to be allocated to specific equity or debt providers (See King, Col.3, lines 29-31).

(B) As per claim 2, Morimoto discloses the method further comprising storing the policy requirement (See Morimoto, Page 3, Paragraph 0037).

(C) As per claim 3, Morimoto discloses the method further comprising providing an

indication of the premium to the user (See Morimoto, Page 4, Paragraph 0043).

(D) As per claim 4, Morimoto discloses the method further comprising arranging for a consumer, merchants, and carriers to provide a payment based on the respective premium (See Morimoto, Page 6, Paragraph 0061).

(E) As per claim 5, Morimoto discloses the method wherein said determination is based on an expected total cost of shipping and processing a future possible return of the specified item purchase (See Morimoto, Page 8, Paragraph 0077).

(F) As per claim 13, renumbered to be claim 6, Morimoto discloses a device to calculate a premium for a package return insurance policy, comprising:

- a processor (See Morimoto, Page 3, Paragraph 0041); and
- a storage device coupled to said processor and storing instructions adapted to be executed by said processor to (See Morimoto, Page 3, Paragraph 0038):
 - receive from a user a policy requirement for the package return insurance policy (See Morimoto, Page 6, Paragraphs 0062-0065);
 - access data corresponding to a specified item purchase associated with the package return insurance policy (See Morimoto, Page 6, Paragraphs 0062-0065).

Morimoto does not explicitly disclose that the method having determining the premium based on the policy requirement and the accessed data.

However, this feature is known in the art, as evidenced by King. In particular, King suggests that the method having determining the premium based on the policy requirement and the accessed data (See King, Col.9, lines 39-67 to Col.10, line 18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of King within the system of Morimoto with the motivation of providing highest assurance of timely payment and permits profits and losses of specific risks to be allocated to specific equity or debt providers (See King, Col.3, lines 29-31).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied prior art teaches network-based solution for secure parcel delivery and pick-up 92002/0156645), apparatus, systems and methods for online, multi-parcel, multi-carrier, multi-service enterprise parcel shipping management (2002/0032573).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F
V.F

March 31, 2006


C. LUKE GILLIGAN
PATENT EXAMINER